

PNC BANK, NATIONAL ASSOCIATION, )  
a National Banking Association, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
STARFIRE CONDOMINIUM OWNERS' )  
ASSOCIATION, *et al.*, )  
 )  
Defendant. )  
 )  
 )

2:15-cv-00108-RFB-CWH

**ORDER**

This matter is before the Court on Plaintiff PNC Bank, N.A.’s (“plaintiff”) motion to stay discovery (doc. # 15), filed June 1, 2015. Defendant Starfire Condominium Owners’ Association (“defendant”) did not file an opposition.

Courts have broad discretionary power to control discovery including the decision to allow or deny discovery. See e.g., Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988); Landis v. North American Co., 299 U.S. 248, 254 (1936). This power to stay is “incidental to the power inherent in every court to control the disposition of the causes of action on its docket with economy of time and effort for itself, for counsel, and for litigants.” Landis, 299 U.S. at 254. In exercising its discretion, the court must consider factors like, “wise judicial administration, giving regard to conservation of judicial resources and comprehensive disposition of litigation.” Colorado River Water Conserv. Dist. v. United States, 424 U.S. 800, 817 (1976).

An overly lenient standard for granting a motion to stay would result in unnecessary delay

1 in many cases. That discovery may involve inconvenience and expense is not sufficient to support  
 2 a stay of discovery. Turner Broadcasting System, Inc. v. Tracinda Corp., 175 F.R.D. 554, 556 (D.  
 3 Nev. 1997).<sup>1</sup> Rather, a stay of discovery should only be ordered if the court is convinced that a  
 4 plaintiff will be unable to state a claim for relief. See Tradebay, 278 F.R.D. at 603; see also Wood  
 5 v. McEwen, 644 F.2d 797, 801 (9th Cir. 1981) (*per curiam*). Ultimately, the party seeking the stay  
 6 “carries the heavy burden of making a ‘strong showing’ why discovery should be denied.”  
 7 Tradebay, 278 F.R.D. at 601 (citing Blankenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir.1975)).  
 8 Moreover, a court should not grant a stay absent a showing of hardship if “there is even a fair  
 9 possibility that the stay... will work damage to someone else.” Dependable Highway Express, Inc.  
 10 v. Navigators Insurance Co., 498 F.3d 1059, 1066 (9th Cir. 2007). Therefore, the court must balance  
 11 the competing interests affected by a stay such as, the “hardship or inequity which a party may suffer  
 12 in being required to go forward.” Lockyer v. State of California, 398 F.3d 1098, 1110 (9th Cir.  
 13 2005).

14 The Court finds that plaintiff has made the strong showing necessary to support a stay of  
 15 discovery that would promote efficiency and justice in this case. Defendant will not be prejudiced  
 16 because it will have an opportunity to conduct discovery, if appropriate, after the stay.

17 Accordingly, **IT IS HEREBY ORDERED** that plaintiff’s unopposed motion to stay  
 18 discovery (doc. # 15) is **granted**.

19 **IT IS FURTHER ORDERED** that discovery shall be stayed until the district judge rules  
 20 on the pending motion for summary judgment (doc. # 14).

21 **IT IS FURTHER ORDERED** that the parties shall file a joint status report regarding the  
 22 necessity of the stay **within 10 days** after the district judge rules on the pending motion for summary  
 23 judgment (doc. # 14).

24 DATED: June 30, 2015

25   
 26 C.W. Hoffman Jr.  
 27 United States Magistrate Judge

28 <sup>1</sup> As noted in Tradebay, LLC v. eBay, Inc., “[t]he fact that a non-frivolous motion is pending is simply not enough to warrant a blanket stay of all discovery.” 278 F.R.D. 597, 603 (D. Nev. 2011).